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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,289	06/01/2006	Michel Serillon	1759.222	3168
23405 7590 05/18/2009 HESLIN ROTHENBERG FARLEY & MESTI PC 5 COLUMBIA CIRCLE ALBANY, NY 12203				
EXAMINER				
TORRES VELAZQUEZ, NORCA LIZ				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
05/18/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/581,289

Applicant(s)

SERILLON, MICHEL

Examiner

Norca L. Torres-Velazquez

Art Unit

1794

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Independent claim 1 has been amended to now claim "A reinforcing part obtained by Resin Transfer Moulding (RTM)", it is noted that the process by which the product is obtained constitute method limitations not germane to the final product. The presence of process limitations on product claims in which the product does not otherwise patentably distinguish over the prior art, cannot impart patentability to the product (*In re Stephens*, 145 USPQ 656).
2. All limitations further included in claim 1 and new claims 15 and 16 have been considered herein. No new matter was found.
3. Claims 1-3 and 5-16 are pending. Claim 4 has been canceled.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6-10 and 13-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 5, 7 and 9 depend on canceled claim 4. For examining purposes the Examiner assumes that these claims depend on claim 1. Correction is required.
6. **Claims 1-2, 5-11 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over CLAEIJS (WO 97/37835).**

The CLAEIJS reference teaches a woven cloth based on high-tenacity yarns used for reinforcing parts that comprise weft threads arranged in a weft direction that are not

perpendicular to warp threads. (Abstract) In Example 1, the reference teaches an embodiment that comprises a woven fabric that have the weft threads at an angle of 45° and a second woven fabric with the same composition laid in reversed position onto the first woven fabric. The first layer and the second layer are mutually bonded by means of an adhesive. (Refer to page 5, Example 1) The reference further teaches the use of glass fiber material for the construction of the filament bundles and of the warp threads. (Refer to page 3, lines 33-37) With regards to claim 10, the reference teaches using thermoplastic or thermosetting powder or a glue to bond the layers. The reference further teaches using thermosetting resins such as polyester, epoxy and phenol to impregnate the material. (Refer to page 3, lines 9-10 and 25-27)

It is the Examiner's position that the construction described in Example 1 provides for the reinforcing part of the present invention that comprises a first woven layer joined to a second woven layer. It is the Examiner's interpretation that when the second woven fabric is laid in a reversed position onto the first woven fabric will provide for the first weft threads and second weft threads in symmetry to each other as claimed in the present invention.

With regards to the claimed ratio $T_c \cdot D_c / T_1 \cdot D_1$; it is noted that on Examples 1 and 3 the reference discloses a woven fabric made with 3.5 glass fibers of 68 tex in the warp and 2.4 glass rovings of 600 tex in the weft, the weft threads are displaced relative to the warp threads such that an angle of 45° is formed between the two. The warp has a basis weight of 50 gsm and the weft a basis weight of 200 gsm. (Refer to Pages 5 and 6) Based on the information provided in the examples the $T_c \cdot D_c / T_1 \cdot D_1$ is of about 0.12. It is further noted that the reference teaches that the width, angle and weight of the material can be varied as desired and that heavier threads can be used whereby the material can be less expensive. (Refer to page 4, lines 19-27) "[W]here

the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation.” In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955) It is well settled that determination of optimum values of cause effective variables such as linear density is within the skill of one practicing the art. In re Boesch, 205 USPQ 215 (CCPA 1980). Thus, it would have been obvious to one having ordinary skill in the art to provide a woven cloth of the present invention and provide it with warp threads that have a higher linear density motivated by the desire of providing a product that will have higher strength in the warp directions and would meet the claimed ratio of $T_c \cdot D_c / T_t \cdot D_t$.

With regards to claim 15, it is noted that the reference teaches angles that range from 30° to 60°. (Refer to claims 3)

7. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over CLAEIJS (WO 97/37835) as applied to claim 1 above, and further in view of INOBUCHI et al. (US 5,168,006).

While CLAEIJS teaches woven constructions, it fails to specifically teach the use of a twill weave.

INOBUCHI et al. also relates to a woven fabric used for production of fiber-reinforced thermoplastic resin laminates in which the reinforcement yarn comprise glass-fibers and are woven in a plain weave, specifically basket or twill weave. (Refer to Abstract; Col. 2, lines 35-57)

It would have been obvious to one having ordinary skill in the art of fiber-reinforced laminate by compression molding of woven fabrics that have been shown to have high strength as taught by INOUCHI et al. (Abstract)

Response to Arguments

8. Applicant's arguments filed March 02, 2009 have been fully considered but they are not persuasive.

a. Applicants argue that there is no disclosure in the CLAEIJS reference of two woven layers joined to each other having warp threads substantially parallel to each other and weft threads of one layer aligned at a first angle relative to the warp threads and weft threads of a second layer aligned at a second angle relative to the warp threads wherein the first and second angles are about equal to each other such that the weft threads of each layer are symmetrical to each other about the warp threads.

As noted above, it is the Examiner's interpretation that the embodiment taught in Example 1 that comprises a first layer with an angle of 45° between the warp and weft threads and a second layer laid in the reverse and adhered to the first layer will provide a similar structure as the weft threads will be in the opposite direction in relation to the wefts of the first layer but the warp threads will be in parallel with those of the first layer.

Thus, the rejections over the CLAEIJS reference are maintained herein.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 571-272-1484. The examiner can normally be reached on Monday-Thursday 8:00-5:00 pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Tarazano can be reached on 571-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Norca L. Torres-Velazquez/
Primary Examiner, Art Unit 1794

May 15, 2009